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R E M A R K S

The Office Action issued November 3, 2008, has been received and its contents have been carefully considered.

Claim 34 has been objected to because, the Examiner states, "...the cutting unit of the instant invention will always remove the same thickness of material no matter where it is positioned vertically." Claim 34 has accordingly been amended to recite the final "means" element as follows:

"...means for adjusting the position of the cutting unit with respect to the first wiper blade guide, whereby the desired position of the cutting unit may be set prior to cutting."

Applicants have defined the additional element in "means plus function" terms as expressly permitted under Section 112, paragraph 6, of the Patent Law. Pursuant to this Section of the Law, this "means" is to be interpreted to cover "the corresponding structure, material, or acts described in the specification and equivalents thereof."

Claims 40 stands rejected, under 35 U.S.C. 112, second paragraph, due to a lack of antecedent basis for the term "said means for setting the position of the cutting unit." Claim 40 has been amended to refer to "said means for adjusting the position of the cutting unit," as recited in its parent claim 34.

Claim 34, the only independent claim in this application, has been rejected under 35 USC §103(a) over the German Patent No. 29 806 561.7 to Wessels in view of the German patent No. 3,510,738 to Meitzel and further in view of U.S. Patent No 5,027,515 to Murdock. The Examiner also cites and applies the U.S. Patent No. 6,581,291 to Tarpill et al. and the German Patent No. 4,110,799 to Diebold against the dependent claims 40, 47 and 56. It is believed that claim 34, as presently amended, distinguishes patentably over all of these references.

The patent to Wessels discloses a "cutting device for renewing used wiper blades" having a spring element 4, mounted on the base plate 2, for guiding and stabilizing the wiper blade lip 3 as it passes over the cutting blade 1. This spring element is required to exert substantial pressure in order to provide sufficient guidance to the

wiper blade lip. This results in friction that produces an inaccurate and uneven cutting surface. If the spring pressure exerted by the spring element were reduced to avoid unwanted pressure to the wiper blade, the spring element could no longer guarantee precise guidance of the wiper blade, resulting again in an inaccurate and uneven cut. Wessels thus teaches that the "second wiper blade guide" (the guide adjacent the lip of the blade) should have a spring-loaded variable width for proper guidance of the wiper blade.

As pointed out in the Remarks section of applicants' prior Amendment, to applicants' knowledge there is no known device for cutting the lip of a used wiper blade that really works and provides good results. The devices known in the art all produce an inaccurate and uneven cut of the wiper blade lip. This is caused by inadequate guidance of the wiper blade and its lip.

As recited in claim 34, the present invention provides a second wiper blade guide with a "fixed width channel." Experiments with various types of wiper blade cutting devices have shown that such a fixed width channel is

extremely important for the successful cutting of a wiper blade.

In addition, Wessels fails to teach or suggest any means, similar or equivalent to that of the present invention, for adjusting the position of the cutting unit, thereby setting its position in advance of the cutting operation.

The present invention makes it possible to trim any standard type of wiper blade, with a straight, sharp-edged cut, without the possibility of vibration. This is accomplished by providing two separate wiper blade guides, which are adjustable with respect to each other. The first wiper guide retains an upper portion of the wiper blade while the second wiper guide, forming a part of the cutting unit, retains the lower edge. The cutting unit itself is adjustable in position with respect to the first wiper guide.

The patent disclosure of Meitzel, which also relates to a "windshield wiper lip after-cutting device," is extremely brief and difficult to understand. The drawings do not appear to disclose a workable device since, for example,

there is no indication of a cutting blade in any of the figures.

For the convenience of the Examiner, a complete translation of the text of this patent is attached to this Amendment.

Figure 3 of the drawings does show that the device includes both a first wiper blade guide 2 and a second wiper blade guide 3. The second guide 3 is adjustable both in height and in width. The height adjustment is effected by rotating the thumb screw 4. The nature of the width adjustment is not clear from the drawings, however. The text explicitly states (in the single claim as well as on lines 5 and 6 and lines 18 and 19) that the width is also adjustable, but there is no indication in the drawing how this is accomplished. Nevertheless, in view of the following sentence, it may be assumed that the width is automatically adjustable by means of a spring:

"The width adjustment (3) is so constructed that it automatically adapts to the particular wiper-blade width by means of tangential displacement." (page 2 lines 18 and 19)

As in the case with Wessels, therefore, Meitzel also teaches that the wiper blade guide for the wiper blade lip

should be made automatically adjustable in width.

Applicant's have found, through extensive experimentation, that such a lip guide, in use, results in a wavy cut. It is only by means of a fixed width guide that a clean straight cut may be repeatedly and reliably made.

The patent to Murdock relates to a "drywall cutting tool" which does not cut through, but merely scores, two opposite sides of a large drywall sheet ("sheet rock") along a peripheral edge so that the edge may be broken off. As such, Murdock relates to a completely different field than does the wiper blade trimming tool of the present invention.

As stated in column 1, lines 47 - 62 of the patent:

"The cutting tool of this invention can be described as a twin cutting block; that is, it has a block-like configuration and is designed to slide over the edge of the drywall and as it does so it will cut both sides of the drywall to the same distance from the edge and at the same time. The depth of the cut (i.e. distance from the edge of the drywall being cut) can be controllably varied considerably and it will typically be between 1/8 inch and 6 inches deep from the edge of the drywall that is being cut. The twin cutting can be done quickly and with little manual effort or force. These are its main advantages over the use of a drywall cutting knife or blade. The cutting block also preferably has at least 4 and, more preferably, 6 to 8 sharp cutting wheels and as the tool slides along the edge of the drywall, the wheels do the cutting."

This paragraph explains the purpose and operation of the drywall cutting tool of Murdock. It concerns the scoring of large, heavy sheets as used in the construction industry.

As shown in Figs. 2 and 3 of the patent, the device fails to include any elements equivalent to applicants' "first wiper blade guide" and/or "second wiper blade guide" or a "cutting unit" which can be displaced with respect to the first wiper blade guide. Indeed, with Murdock the cutting wheels are in a fixed position. The depth of cut is adjusted by moving a plate 13 up or down with respect to these wheels.

Since both the purpose and the structure of the Murdock device are entirely different from that of the present invention, a person skilled in the art would not possibly think to look at the teaching of Murdock for information relating to a device for trimming a wiper blade.

The German patent to Diebold is believed to be the most relevant reference to applicants' claimed invention. Diebold discloses an "edge cutter for rubber blades of windshield wipers" having a "first wiper blade guide" 2 and a "second wiper blade guide" 12. With this device, the second guide

is placed above the lip of the wiper blade and is not part of the "cutting unit" as in the case of the present invention. For this reason, this second guide cannot provide proper and sufficient guidance of the lip for the wiper blade during the cutting process. In addition, the second guide consists of two guidance elements that are manually adjustable (not fixed, as in the case of the present invention) in order to allow for different wiper blades with different thicknesses. Without considerable experience, it is difficult to separately adjust the two guide elements in such a manner that the lip of the wiper blade is properly centered, not distorted, not compressed or too loosely guided. Any one of these conditions would result in jamming or an inferior cut.

Furthermore, Diebold also fails to teach or suggest any means, similar or equivalent to that of the present invention, for positioning the cutting unit.

The patent to Tarpill was discussed at length in applicant's first Amendment. Suffice it to say that Tarpill discloses a device for slitting and stripping a cable, rather than for cutting wiper blades. Tarpill's device does not provide a "first guide" and a "second guide", both of

which are necessary to guide a wiper blade in the manner required to provide a sufficiently even cutting surface.

In conclusion, therefore, it is believed that claim 34, as amended, distinguishes patentably over all the prior art references cited and applied by the Examiner. Since claim 34 is the only independent claim remaining in this application, and all the remaining, pending claims are dependent therefrom, this application is believed to be in condition for immediate allowance. A formal Notice of Allowance is accordingly respectfully solicited.

Respectfully submitted,

By


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